

Remarks

Applicants note that all amendments and cancellations of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the amended claims (or similar claims) in the future.

In the Office action dated 7/27/05, the Examiner issued two rejections. Each of the rejections is discussed in detail below.

I. The Claims are Supported by Written Description

Claims 9, 12-18, 23-29, 36 and 87-90 stand rejected under 35 U.S.C. 112, first paragraph as allegedly lacking written description (Office Action, pg. 2). In particular, the Examiner states that "However, the written description in this case only sets forth one species of reagents configured to detect HIP1 consisting of the nucleic acid sequence of SEQ ID NO:1, wherein the reagent is a nucleic acid probe completely complementary to a HIP1 fragment consisting of the nucleotide sequence of SEQ ID NO:1." (Office Action, pg. 2-3). The Applicants respectfully disagree. It is well known that a variety of methods may be employed for detecting a known sequence. It is also well known that probes need not be completely complementary in order to hybridize specifically (See e.g., Specification, pg. 21, lines 10-25). The Examiner has not cited to any evidence to suggest otherwise.

The Applicants respectfully disagree and submit that the claims are supported by written description as presently written. However, in order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have amended Claims 9 and 24 to be directed to nucleic acid probe configured to hybridize to a HIP1 consisting of the nucleic acid sequence of SEQ ID NO:1. The Applicants submit that the specification provide adequate written description for the presently claimed invention. As such, the applicants

¹ 65 Fed. Reg. 54603 (Sept. 8, 2000).

respectfully request that the rejection be withdrawn and the Claims be passed to allowance.

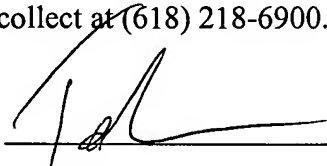
II. The Claims are not Anticipated

Claims 9, 12-18 and 23 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Chen et al. (U.S. Patent 6,794,501; hereinafter Chen) (Office Action, pg. 6). The Applicants respectfully disagree with the rejection. As described above, Claims 9 and 24 have been amended to specify probes for detection of a HIP1 nucleic acid consisting of SEQ ID NO:1. The Examiner has stated "With regards to the nucleic acid, the patent teaches a nucleic acid molecule which has 56.9% sequence similarity from nucleotides 619 to 3118 of the presently claimed nucleic acid of SEQ ID NO:1...." (Office Action, pg. 6). The Applicants submit that Chen does not teach a HIP1 nucleic acid consisting of the nucleic acid of SEQ ID NO:1. As such, Chen does not teach all of the elements of the claims as required for rejection under 35 U.S.C. 102. Accordingly, the Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (618) 218-6900.

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